

## Administrative Order



**Administrative Order No.:** 2-9

**Title:** RESTITUTION FOR ETHICS VIOLATIONS

**Ordered:** 11/30/04

**Effective:** 12/10/04

### **AUTHORITY:**

Section 4.02 of the Home Rule Charter and Sections 2-11.1, 2-11.1.1 and 12-22 of the Code of Miami-Dade County

### **POLICY:**

It is the policy of Miami-Dade County that violators of county ethics law may not financially benefit as a result of their violations and must repay any pecuniary benefit received by the violator or a third party as a result of an ethics violation.

### **PURPOSE:**

This Administrative Order establishes the framework for assessment and collection of restitution for ethics violations.

### **DEFINITIONS**

Covered Person-Any person or entity included in sections 2-11.1(b)(1) through (b)(6) (elected officials, autonomous personnel, quasi-judicial personnel, advisory personnel, departmental personnel and employees) and 2-11.1(w) (immediate family, contractors, vendors and lobbyists) of the Conflict of Interest and Code of Ethics ordinance and any candidate, campaign staff or third party covered by the Ethical Campaign Practices ordinance and the Election Campaign Financing Trust Fund ordinance.

Pecuniary Benefit- The Respondent or a third party receives a financial benefit as a result of the violation.

### **CASES WHERE RESTITUTION MAY BE ORDERED**

Restitution may be ordered for any violation of the Conflict of Interest and Code of Ethics ordinance, the Ethical Campaign Practices ordinance and the Election Campaign Financing Trust Fund ordinance from which a person or an entity receives or may receive a pecuniary benefit.

### **PARTIES AGAINST WHOM RESTITUTION MAY BE ORDERED**

The Ethics Commission may order the payment of restitution from any person or entity who has received a pecuniary benefit from a violation and who is:

- subject to the Ethics Commission's jurisdiction as provided in Section 2-11.1(b)(1) through (6) and section 2-11.1(w) of the Code of Miami-Dade County;
- a candidate and his or her campaign staff as provided in the Ethical Campaign Practices ordinance; or
- a candidate as provided in the Election Campaign Financing Trust Fund ordinance.

### **DEPOSITORY FOR FUNDS**

All funds collected for restitution for violations of the Conflict of Interest and Code of Ethics ordinance or the Ethical Campaign Practices Ordinance shall be deposited in the general fund. All funds collected for restitution for violations of the Election Campaign Financing Trust Fund ordinance shall be deposited in the Election Campaign Financing Trust Fund.

### **DETERMINATION OF AMOUNT OF RESTITUTION**

The Ethics Commission may order any covered person or entity to pay restitution for any amount gained as a result of the violation. The amount of restitution ordered may not exceed the total financial benefit to the person or entity as determined by an audit or investigation.

The Ethics Commission may establish criteria, by rule, for determination of the appropriate amount of restitution in a particular matter.

This Administrative Order is hereby submitted to the Board of County Commissioners of Miami-Dade County, Florida.

George M. Burgess  
County Manager